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COUNTY SHERIFF'S DEPARTMENT,
JEFF DIRKSE, and DARWIN HATFIELD

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

ESTATE OF XANDER MANN, AMY
PICKERING, JUSTIN MANN, and HECTOR
DEL ALITO

Plaintiffs,

vs.

COUNTY OF STANISLAUS, STANISLAUS
COUNTY SHERIFF'S DEPARTMENT,
JEFF DIRKSE, DARWIN HATFIELD,
GERARDO ZAZUETA, and DOE 2 to 20,

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GERARDO ZAZUETA

Case No. 1:21-cv-01098-AWI-SKO

**JOINT REQUEST TO MODIFY
SCHEDULING ORDER;
ORDER VACATING SCHEDULING ORDER
IN LIGHT OF CONSOLIDATION**

(Doc. 79)

Defendants.

The parties—Plaintiffs Estate of Xander Mann, Amy Pickering, and Justin Mann (collectively, “Plaintiffs”); Defendants County of Stanislaus, Stanislaus County Sheriff’s Department, Jeff Dirkse, and Darwin Hatfield (collectively, “County Defendants”); and Defendant Gerardo Zazueta (“Zazueta”)—jointly request the Court to modify the currently-operative scheduling order, ECF No. 21. Specifically, the parties request the currently-operative scheduling order, ECF No. 21, be vacated, pending the resetting of scheduling deadlines during the parties’ upcoming Initial Scheduling Conference scheduled for April 18, 2023, ECF No. 71.

WHEREFORE, on December 2, 2021, the Court entered the currently-operative scheduling order, ECF No. 21;

WHEREAS, on July 8, 2022, Plaintiffs amended the complaint and added a new party-defendant, Darwin Hatfield. ECF No. 51. Defendant Darwin Hatfield filed a motion to dismiss, ECF No. 70, which was opposed, ECF No. 73, and the motion remains pending decision before the Court, ECF No. 76. The pleadings are unsettled in this case, at this time.

WHEREAS, on July 12, 2022, Plaintiff Hector del Alto filed a notice of related case, and stipulation to consolidate. ECF No. 53. On July 14, 2022, Plaintiff Hector del Alto’s case was consolidated with this case. ECF No. 54.

WHEREAS, for the duration of this case, the parties have been engaged in discovery conferences concerning outstanding discovery, including a large amount of emails in Defendant County of Stanislaus’ possession. *See* ECF No. 75. A portion of the responsive discovery has been produced but additional discovery remains to be reviewed and produced. Discovery is incomplete in this case, at this time.

WHEREAS, on August 1, 2022, the Court issued a minute order stating that, “[i]n light of the pending motion(s), the Initial Scheduling Conference ... is CONTINUED to 4/18/2023, at 9:30 AM, in Courtroom 7 (SKO) before Magistrate Judge Sheila K. Oberto. The parties SHALL file their joint scheduling report 7 days prior to the conference.” ECF No. 71.

WHEREAS, good cause justifies modifying the currently-operative scheduling order, ECF No. 21, as several developments have occurred in this case since the scheduling order was entered, and several issues remain outstanding which effect the timing relative to dates present in the scheduling

order. Given the upcoming scheduling conference scheduled on April 18, 2023, the parties propose submission of new scheduling deadlines in the joint scheduling report, currently due to be filed on April 11, 2023. *See* ECF No. 71.

NOW, THEREFORE, the parties request the Court to VACATE currently-operative scheduling order, ECF No. 21, and to DIRECT the parties to submit further proposed scheduling deadlines in the joint scheduling report currently due to be filed on April 11, 2023.

IT IS SO STIPULATED.

Dated: January 20, 2023

Respectfully Submitted,
LAW OFFICE OF MARK E. MERIN

/s/ Mark E. Merin

By: _____
Mark E. Merin
Paul H. Masuhara
Attorneys for Plaintiffs
ESTATE OF XANDER MANN,
AMY PICKERING, and JUSTIN MANN

Dated: January 20, 2023

Respectfully Submitted,
RIVERA HEWITT PAUL LLP

/s/ Jill B. Nathan
(as authorized on January 20, 2023)

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COUNTY OF STANISLAUS, STANISLAUS
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JEFF DIRKSE, and DARWIN HATFIELD

Dated: January 20, 2023

Respectfully Submitted,
P O R T E R | S C O T T

/s/ John R. Whitefleet
(as authorized on January 20, 2023)

By: _____
John R. Whitefleet
Attorney for Defendant
GERARDO ZAZUETA

ORDER

GOOD CAUSE APPEARING, the parties' request is GRANTED. (Doc. 79)

In light of the consolidation of *Estate of Xander Mann, et al., v. County of Stanislaus, et al.* and *Hector del Alto v. County of Stanislaus, et al.* (see Doc. 54), and for judicial efficiency and litigation economy, the Court VACATES currently operative scheduling order (Doc. 21), entered prior to the consolidation, and DIRECTS the parties to submit further proposed scheduling deadlines in the joint scheduling report currently due to be filed on April 11, 2023.

IT IS SO ORDERED.

Dated: **January 23, 2023**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE